

Remarks

Claims 1 through 22 are pending in this application. The Office indicates that Claims 3 through 10 and 13 through 18 are withdrawn from consideration. Claims 1, 2, 11, 12, and 19 through 22 stand rejected. Rejections are presented by the Office under 35 U.S.C. §103(a); 35 U.S.C. §112, first paragraph; and 35 U.S.C. §112, second paragraph.

This paper contains amendments under 37 C.F.R. §1.121. In order to advance prosecution and allowance, the present claims are limited to olanzapine and a particular mGlu 2/3 agonist compound and a method of treatment using olanzapine and a particular mGlu 2/3 agonist compound. Basis for these amendments can be found, at minimum, at page 15, line 25 through page 16, line 32. Applicants affirmatively retain the right to pursue the subject matter of the cancelled and/or withdrawn claims in a later application, if desired.

Election/Restrictions

Applicants note the Office's acknowledgement of their election with traverse of Group III in the Response to the Restriction Requirement filed May 25, 2007. Applicants respectfully assert that Group III as provided by the Office in the Restriction Requirement included Claims 1, 11, 13, 15, and 17. The Office has indicated in the present Office Action that "groups I and III are distinct because the specific antipsychotic component is different. In group I, it is clozapine, and in group III, it is olanzapine." Nevertheless, the Office proceeds to examine Claims 1, 2, 11, 12 and 19 through 22, removing Claims 13, 15, and 17 – all of which contain the olanzapine component deemed by the Office as the distinguishing factor between Groups I and III – from the claim set. The Office also joins Claim 2, which is noted as being inadvertently excluded in original Groups I and III, as well as Claims 12 and 19 through 22. Applicants respectfully request that the Office reinstate Claims 13, 15, and 17 to the examined claim set, due to their having been in original Group III and, also, since all of these claims contain the olanzapine component. Applicants further request the addition of Claims 14, 16, and 18, directed to methods of treatment using olanzapine with particular mGlu2/3 agonist compounds, to the claim set, particularly in view of the Office's addition of method of treatment Claim 12 to the presently examined claim set.

Rejection of Claims 1, 2, 11, 12, and 19-22 under 35 U.S.C. §103(a)

Claims 1, 2, 11, 12, and 19-22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Rowley et al. (*Journal of Medicinal Chemistry* (2001), 44(4), 477-501) and Aghajanian et al. (*Neuropsychopharmacology* (1999), 21(56), S122-S133). While Applicants do not acquiesce to the merits of this rejection, Claims 1, 2 and 19 through 22 have been cancelled.

Applicants note that Rowley et al. provides olanzapine is an atypical antipsychotic for treatment of schizophrenia. Applicants further note that Aghajanian et al. provides group II/III metabotropic glutamate agonists are suggested for the treatment of schizophrenia. In particular, LY354740 is deemed particularly interesting in terms of therapeutic potential. However, Claims 11 and 12 are directed to a pharmaceutical composition and a method of treating schizophrenia, respectively, involving olanzapine and (1R,4S,5S,6S)-4-[(2'S)-(2'-amino)-propionyl]amino-(2-sulfonylbicyclo[3.1.0]hexane)-4,6-dicarboxylic acid. In addition to these cited references not containing information on (1R,4S,5S,6S)-4-[(2'S)-(2'-amino)-propionyl]amino-(2-sulfonylbicyclo[3.1.0]hexane)-4,6-dicarboxylic acid, the references do not contain any teaching or suggestion that would yield the presently claimed combination of the aforementioned compound with olanzapine as either a pharmaceutical composition or for a method of treating schizophrenia. Furthermore, as the Office agrees, comparative data provided in the present application shows the synergy between olanzapine and the claimed mGlu2/3 receptor agonist in an animal model of schizophrenia (see, at minimum, Figure 5; Applicants respectfully note that page 21, line 22 contains a typographical error, wherein the reference involving olanzapine alone should be to column III, not column II). In view of this synergy, which is in no way presented by the cited references, these references do not provide motivation to arrive at the present claims. Thus, in light of the amendments and the points raised by Applicants for Claims 11 and 12, Applicants assert that the rejection is obviated and respectfully request withdrawal of this rejection.

Rejection of Claims 1, 2, 12, and 19-22 under 35 U.S.C. §112, First Paragraph

Claims 1, 2, and 19-22 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. While Applicants do not acquiesce to the merits of this rejection, Claims 1, 2, and 19 through 22 have been cancelled. As such, Applicants assert that the rejection is obviated and respectfully request the rejection's withdrawal.

Claims 2, 12, 20, and 22 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement for treatment of all psychiatric disorders.

While Applicants do not acquiesce to the merits of this rejection, Claims 2, 20, and 22 have been cancelled. Claim 12 has been amended to claim a method of treating schizophrenia. Support for this amendment can be found, at minimum, at page 15, line 25 through page 16, line 32. Applicants, therefore, assert that the rejection is obviated and respectfully request withdrawal of this rejection.

Rejection of Claims 1, 2, 12, and 19-22 under 35 U.S.C. §112, Second Paragraph

Claims 1, 2, and 19-22 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. While Applicants do not acquiesce to the merits of this rejection, Claims 1, 2 and 19 through 22 have been cancelled. As such, Applicants assert that the rejection is obviated and respectfully request the rejection's withdrawal.

Claims 2, 12, 20 and 22 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. While Applicants do not acquiesce to the merits of this rejection, Claims 2, 20, and 22 have been cancelled. Claim 12 has been amended to claim a method of treating schizophrenia. Support for this amendment can be found, at minimum, at page 15, line 25 through page 16, line 32. Applicants, therefore, assert that the rejection is obviated and respectfully request withdrawal of this rejection.

Conclusion

Applicants assert that the above-stated remarks overcome the Office's rejections for this application. Applicants courteously solicit reconsideration of these rejections and passage of this case to issuance.

Respectfully submitted,

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